

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:12-CV-104-FL

TRACY MOODY-WILLIAMS,

Plaintiff,

v.

LIPOSCIENCE,

Defendant.

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ORDER

This matter comes before the court on plaintiff's motion to compel production of documents (DE 50). Plaintiff seeks production of phone records from defendant for calls, including local calls, between January and August 2011. Defendant responds that the request is overly broad and not relevant to plaintiff's sexual harassment claim.

Plaintiff, who sues defendant for sexual harassment in the workplace, asserts the theory that her former co-worker, Tosha Kelly, was contacted by defendant for the purpose of dissuading Kelly from serving as a witness to plaintiff's alleged harassment. Plaintiff also seeks to investigate calls between other witnesses to her alleged harassment. Therefore, she requests phone records for an eight month time period. Defendant contests discovery on the basis that plaintiff seeks phone records for too long a period of time, and is, thus overly broad.

Rule 26(b) of the Federal Rules of Civil Procedure provides for a broad scope of discovery "regarding any non privileged matter that is relevant to any party's claim or defense. . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead

to the discovery of admissible evidence.” The broad scope of discovery is subject to limitation if it is unreasonably cumulative, duplicative, burdensome or expensive. Fed. R. Civ. P. 26(b)(2)(C).<sup>1</sup>

Upon review of the complaint, as amended, and in careful consideration of Rule 26, the court finds that plaintiff is entitled to the discovery requested. Plaintiff’s motion to compel is GRANTED. Defendant shall produce and deliver to plaintiff phone records for all incoming and outgoing calls, including local calls, between January and August 2011, within **fourteen (14) days from date of entry of this order.**

SO ORDERED, this the 10th day of September, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is cursive and fluid, with the first name "Louise" being the most prominent part.

LOUISE W. FLANAGAN  
United States District Judge

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<sup>1</sup> Notably, defendant does not assert that there is any unreasonable cost or burden associated with producing phone records for the time period requested.